



SO ORDERED.

SIGNED this 09 day of November, 2009.


MARGARET CANGIROS-RUIZ
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

ORDER

In Re:

ALLEN JOSEPH HEBERT
CAROLINE YVETTE HEBERT

Debtors.

Case No.: 09-32129-mcr
(Chapter 13)

Assigned to:
Hon. MARGARET M.
CANGIROS-RUIZ
Bankruptcy Judge

Bank of America, NA, a secured creditor of Debtors, ("Secured Creditor") having moved this Court for an Order modifying the Automatic Stay on the premises commonly known as 62 Woodcrest Avenue, Ithaca, NY 14850, of which the Debtors is the owner of record, and

The motion having come to be heard before this Court and no opposition having been submitted by Mark W. Swimelar, Esq., the Chapter 13 Trustee, by the U.S. Trustee, or by Lee Matthew Van Houten, Esq., counsel for the Debtors, and due deliberation having been had, now

Upon Reading and Filing of the Notice of Motion, the Application of Secured Creditor dated September 16, 2009, and proof of service upon all necessary parties, upon motion of the Office of Steven J. Baum, P.C., it is hereby

ORDERED, that as to the Secured Creditor or its successors or assigns, the automatic stay is vacated as to the premises commonly known as 62 Woodcrest Avenue, Ithaca, NY 14850, permitting the Secured Creditor, its successors or assigns, and any affected party, to foreclose or otherwise pursue their mortgage remedies and rights; and it is further

ORDERED, that the Secured Creditor's request for reasonable attorney's fees in the amount of \$350.00 and costs in the amount of \$150.00 is hereby granted in accordance with the terms of the underlying Note and Mortgage; and it is further

ORDERED, that the Trustee retain any and all interest that said Trustee may have in any surplus monies that may be produced from a foreclosure sale of the property, and will be noticed of any such sale of the property and surplus money proceedings.

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